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**From:** George, Robert [Robert.George@tyson.com]  
**Sent:** Tuesday, August 26, 2008 4:33 PM  
**To:** David Page; Leslie J. Southerland  
**Cc:** Kelly Burch; Daniel Lennington; Louis Bullock; Ward, Liza; Baker, Fred; Xidis, Claire; David Riggs; Richard Garren; Bob Nance; Trevor.Hammons@oag.ok.gov; Bob Blakemore; Jaromin, Michelle; Jorgensen, Jay T.; Burns, Bryan; Mark\_Quayle@cargill.com; James Graves; jgriffin@lathropgpage.com; Gary Weeks; rredemann@pmrlaw.net; vbronson@cwlaw.com; bfreeman@cwlaw.com; Ehrich, Delmar R.; jelrod@cwlaw.com; rfunk@cwlaw.com; thill@rhodesokla.com; Jones, Tim; Bond, Michael R.; rsanders@youngwilliams.com; Terry@thewestlawfirm.com; jtucker@rhodesokla.com; vmorgan@cwlaw.com; lphillips@cwlaw.com; Sperrazza, Quynh C.; lwhite@rhodesokla.com; gbarber@rhodesokla.com; Lawrence Zeringue; pthompson@bassettlawfirm.com; Dolan, Christopher H.; Rockwood, Linda L.; Jones, Bruce; Nicole Longwell; Jinger Waller; Carney, Kristen Shults; jwisley@cwlaw.com; kkobbeman@cwlaw.com; Craig A. Mirkes; ljsoutherland@rhodesokla.com; Patrick Ryan; Philip Hixon; Kleibacker Lee, Krisann C.; wbassett@bassettlawfirm.com; Sherry Bartley; Scott McDaniel  
**Subject:** RE: Wells Report Errata

David,

I have only skimmed the 118 page "Errata" and I have not yet seen any of the voluminous "updated considered materials" that you have promised to provide under separate cover, but it is clear to me that Mr. Wells has issued an entirely new report with materially modified opinions based upon several new and undisclosed model runs/simulations. This new report is untimely and defendants will ask the Court to strike it.

Plaintiffs' submission of this new report and promised production of updated considered materials, severely prejudices defendants' ability to take a meaningful deposition of Wells. Defense counsel and our experts have spent months unraveling the previous expert report and the tangled web of documents and computer files that Wells now seeks to disown less than 48 hours before his scheduled deposition.

Please consider this e mail as formal notice that Mr. Wells' deposition, previously scheduled for August 28-29, is canceled. Once we obtain a ruling from the Court as to whether Mr. Wells will be allowed to testify about his new report and the new model runs/simulations underlying that report, this deposition will need to be rescheduled.

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From: David Page [mailto:dpage@riggsabney.com]  
Sent: Tuesday, August 26, 2008 11:23 AM  
To: Leslie J. Southerland; George, Robert  
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Subject: Wells Report Errata

<<Wells Errata August 2008- Final.pdf>> <<Southerland (Wells Errata) 08.26.08.pdf>>

Please see attached. Updated considered materials ( files of the modeling results that support these errata) are being provided under separate cover.

Thank you.

**David P. Page**  
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